

CITY OF BURLINGTON

P.O. Box 1358 • 425 South Lexington Avenue

Burlington, North Carolina 27216-1358

Telephone (336) 222-5000



June 21, 2018

Re: Title 40 of the Code of Federal Regulations Part 441 Dental Category Compliance

Dear Dentist:

The City of Burlington is reaching out to its existing dental facility customers to inform them of EPA's new regulation promulgated July 14, 2017 on wastewater discharged from dental facilities. Federal pretreatment regulations, such as these, are self-implementing, which means that the **discharger** is responsible for compliance even if it has not been notified of the regulation. The rule requires dental offices that place and/or remove amalgam to install an amalgam separator, to implement two Best Management Practices (BMPs), to submit a One-Time Compliance Report to the City of Burlington, and to conduct on-going operation and maintenance of the amalgam separator, and maintain associated documentation and records.

It is our understanding that there is not an all-encompassing method for delivery of such notification within the dental community, so the City of Burlington would like to ensure that its customers were aware of the requirements well before the final compliance date. Included with this letter are a fact sheet and a One-Time Compliance Report. The fact sheet summarizes the requirements and compliance dates found in the regulation and where to read it online. The One-Time Compliance Report requests all information required by the EPA. Of note, an Authorized Representative of the facility must sign the report. An Authorized Representative is a person who is responsible for principle business decisions or other policy decisions for the facility. For example, it can be an owner, president, vice-president, but not an administrative assistant. The report must be submitted to the City of Burlington and a copy of it maintained at the facility as long as the dental practice is in operation or until ownership is transferred.

If you are currently compliant with the rule, please complete and return the One-Time Compliance Report within 30 days. If you are not yet fully compliant with the rule, the deadline for compliance is October 12, 2020.

Return the completed One-Time Compliance Report by October 12, 2020 to the following address:

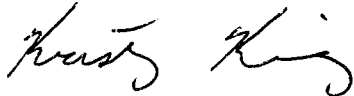
Kristy King, Industrial Pretreatment Specialist
City of Burlington Water Resources Department
PO Box 1358
Burlington, NC 27216-1358

OR

kking2@burlingtonnc.gov

Please read the fact sheet closely as it offers a synopsis of the regulation and contains applicable conditions and deadlines. The fact sheet also contains provisions for exemptions from the rule for certain dental practices that do not place or remove amalgam on a regular basis. If you have any questions or concerns while completing the One Time Compliance Report, please contact me at 336-222-5133. Thank you in advance for your cooperation and assistance in the speedy submittal of the Report.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristy King". The signature is fluid and cursive, with the first name "Kristy" and the last name "King" clearly distinguishable.

Kristy King
Industrial Pretreatment Specialist

Enclosures: 40 CFR Part 441 Fact Sheet and One Time Compliance Report

Fact Sheet: Effluent Limitations Guidelines and Standards for Dental Offices

Summary

EPA finalized technology-based pretreatment standards under the Clean Water Act to reduce discharges of mercury and other metals from dental offices into municipal sewage treatment plants known as publically owned treatment works (POTWs). Dental offices, which discharge mercury and other metals present in amalgam used for fillings, are the main source of mercury discharges to POTWs; these metals are subsequently released to the environment. The rule requires dental offices to comply with requirements based on practices recommended by the American Dental Association, including the use of amalgam separators. Once captured by the separator, dental amalgam can be recycled. Removing mercury when it is concentrated and easy to manage, such as through low-cost amalgam separators at dental offices (average annual cost per dental office is about \$800), is a common sense solution to managing mercury that would otherwise be released to air, land, and water.

In addition, this rule minimizes dental office reporting requirements and the administrative burden to federal, state, and local regulatory authorities responsible for oversight of the new requirements.

EPA expects compliance with this final rule will reduce the discharge of metals to POTWs by at least 10.2 tons per year, about half of which is mercury.

EPA projects the total annual cost of the final rule will be \$59 - \$61 million.

Background

Why are standards needed for the dental industry?

When dentists remove old amalgam fillings from cavities, or when dentists place a new filling, mercury in the form of dental amalgam enters the wastewater of the dental office. Mercury from waste amalgam can make its way into the environment from the POTW through the incineration, landfilling, or land application of sludge or through surface water discharge. Mercury is a potent neurotoxin that can have a wide range of health effects, and mercury pollution is a global concern. Once released into the aquatic environment, certain bacteria can change mercury into methylmercury, a highly toxic form of mercury that bioaccumulates in fish and shellfish. Eating fish and shellfish is the main source of people's exposure to methylmercury in the U.S.

Who is affected by this regulation?

This rule applies to offices, including large institutions such as dental schools and clinics, where dentistry is practiced that discharge to a POTW. It does not apply to mobile units or offices where the practice of dentistry consists only of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.

Control Authorities (which are often the state or POTW) are responsible for oversight associated with this rule.

What does this rule require of dental offices?

Dental offices that discharge to POTWs that do not place or remove amalgam need only submit a one-time certification.

Dental offices that place or remove amalgam must operate and maintain an amalgam separator and must not discharge scrap amalgam or use certain kinds of line cleaners. They must also submit a One-Time Compliance Report.

Where can I find more information?

You can access the Federal Register notice on EPA's Effluent Guidelines website at: www.epa.gov/eg/dental-effluent-guidelines. In addition, the final rule will be available at regulations.gov under Docket ID: EPA-HQ-OW-2014-0693.

You may also email Karen Milam at milam.karen@epa.gov.



CITY OF BURLINGTON, NC
ONE-TIME COMPLIANCE REPORT FOR DENTAL DISCHARGERS
to Comply with 40 CFR 441.50
Effluent Limitations Guidelines and Standards for the Dental Office Category

Instructions:

The following is a form that contains the minimum information dental facilities must submit in a one-time compliance report as required by the Effluent Limitations Guidelines and Standards for the Dental Office Category ("Dental Amalgam Rule"). See [the applicability section \(§ 441.10\)](#) to determine if your facility is required to submit a one-time compliance report. For more information, please see EPA's website: www.epa.gov/eg/dental-effluent-guidelines, or contact City of Burlington Water Resources Department, Email: kking2@burlingtonnc.gov or Phone: 336-222-5133.

Submittal of One-Time Compliance Report: Submit completed and signed report to:

Kristy King, Industrial Pretreatment Specialist
City of Burlington Water Resources Department
PO Box 1358
Burlington, NC 27216-1358

General Information

Name of Facility					
Physical Address of Dental Facility					
City:		State:		Zip:	
Mailing Address					
City:		State:		Zip:	
Facility Contact					
Phone:		Email:			
Names of Owner(s):					
Names of Operator(s) if different from Owner(s):					

Applicability: Please Select One of the Following

<input type="checkbox"/>	This facility is a dental discharger subject to this rule (40 CFR Part 441) and it places or removes dental amalgam. <i>Complete sections A, B, C, D, and E</i>
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<input type="checkbox"/>	This facility is a dental discharger subject to this rule and (1) it does not place dental amalgam, and (2) it does not remove amalgam except in limited emergency or unplanned, unanticipated circumstances. <i>Complete section E only</i>
(Also, select if applicable) Transfer of Ownership (§ 441.50(a)(4))	
<input type="checkbox"/>	This facility is a dental discharger subject to this rule (40 CFR Part 441), and it has previously submitted a one-time compliance report. This facility is submitting a new One Time Compliance Report because of a transfer of ownership as required by § 441.50(a)(4) .

Section A**Description of Facility**

Total number of chairs:		
Total number of chairs at which amalgam may be present in the resulting wastewater (i.e., chairs where amalgam may be placed or removed):		
Description of any amalgam separator(s) or equivalent device(s) currently operated:		
YES <input type="checkbox"/>	NO <input type="checkbox"/>	The facility discharged amalgam process wastewater prior to July 14th, 2017 under any ownership.

Section B**Description of Amalgam Separator or Equivalent Device**

<input type="checkbox"/>	The dental facility has installed one or more ISO 11143 (or ANSI/ADA 108-2009) compliant amalgam separators (or equivalent devices) that captures all amalgam containing waste at the following number of chairs at which amalgam placement or removal may occur:	Chairs:
<input type="checkbox"/>	The dental facility installed prior to June 14, 2017 one or more existing amalgam separators that do not meet the requirements of § 441.30(a)(1)(i) and (ii) at the following number of chairs at which amalgam placement or removal may occur: I understand that such separators must be replaced with one or more amalgam separators (or equivalent devices) that meet the requirements of § 441.30(a)(1) or § 441.30(a)(2) , after their useful life has ended, and no later than June 14, 2027, whichever is sooner.	Chairs:
	Make	Model
		Year of installation

<input type="checkbox"/> My facility operates an equivalent device.			
Make	Model	Year of installation	Average removal efficiency of equivalent device, as determined per § 441.30(a)(2)i- iii.

Section C

Design, Operation and Maintenance of Amalgam Separator/Equivalent Device

<input type="checkbox"/>	YES	I certify that the amalgam separator (or equivalent device) is designed and will be operated and maintained to meet the requirements in § 441.30 or § 441.40.	
A third-party service provider is under contract with this facility to ensure proper operation and maintenance in accordance with § 441.30 or § 441.40.			
<input type="checkbox"/>	YES	Name of third-party service provider (e.g. Company Name) that maintains the amalgam separator or equivalent device (if applicable):	
<input type="checkbox"/>	NO	If none, provide a description of the practices employed by the facility to ensure proper operation and maintenance in accordance with § 441.30 or § 441.40.	
Describe practices:			

Section D

Best Management Practices (BMP) Certifications

<input type="checkbox"/>	The above named dental discharger is implementing the following BMPs as specified in § 441.30(b) or § 441.40 and will continue to do so. <ul style="list-style-type: none"> Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to a publicly owned treatment works (e.g., municipal sewage system).
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- Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a publicly owned treatment works (e.g., municipal sewage system) must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8 (i.e. cleaners that may increase the dissolution of mercury).

Section E

Certification Statement

Per [§ 441.50\(a\)\(2\)](#), the One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental facility is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of [§ 403.12\(l\)](#).

"I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Authorized Representative Name (print name):

Phone:

Email:

Authorized Representative Signature

Date

Retention Period; per [§ 441.50\(a\)\(5\)](#)

As long as a Dental facility subject to this part is in operation, or until ownership is transferred, the Dental facility or an agent or representative of the dental facility must maintain this One Time Compliance Report and make it available for inspection in either physical or electronic form.